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Technology Center 2100

In re Application of: KUNIYUKI KAJITA)
Application No.: 09/701,433) DECISION ON PETITION FOR
Filed: November 29, 2000) ACCELERATED EXAMINATION
For: **RADIO COMMUNICATION**) UNDER M.P.E.P. §708.02(VIII)
APPARATUS AND CODING PROCESSING)
METHOD)

This is a decision on the petition, filed September 30, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.
- (C) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a **detailed discussion** of the references, which discussion points out, with the **particularity** required by 37 CFR 1.111(b) and (c), **how** the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Petitioner's submission is deficient in that it does not comply with item (E) above:

Petitioner's submission does not provide a **detailed** discussion of the references, which points out, with the **particularity** required by 37 CFR 1.111(b) and (c), **how the claimed subject matter is patentable over the references**. After discussing the submitted references generally and reciting the claims of the present application, Petitioner concludes that "[t]he references cited above, either alone or in combination, fail to disclose or suggest the claimed combination of interleaving of input data, rate of matching that adjusts a data length of the interleaved by increasing or decreasing the number of bits, and then transmission of the rate adjusted data." To point out how a claim is patentable over the references, at least a comparison between all elements of the claimed invention and those of the references should be performed. Here, petitioner does not even compare one element of a claim with that of the references, let alone an elements-by-elements comparison.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.



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